

**NPDES PERMIT REISSUANCE
PEPCo BENNING ROAD ELECTRIC GENERATING STATION
WASHINGTON, DC**

NPDES Permit Number DC0000094

**Response to Comments
February 13, 2009 Public Noticed Permit
Final June 19, 2009 Issued Permit**

I. General

On February 13, 2009 the United States Environmental Protection Agency, Region III (EPA) offered for public comment a draft of the National Pollutant Discharge Elimination System (NPDES) permit and fact sheet for the PEPCo Benning Road Electric Generating Station, which discharges to the waters of the District of Columbia. The public comment period lasted 30 days and ended on March 16, 2009. The Benning Road facility is operated by the Potomac Electric Power Company (PEPCo) as a subsidiary of PEPCo Holdings, Inc. The facility is located at 3400 Benning Road, N.W. Washington, DC.

The last permit for this facility was issued on November 17, 2000, and has been administratively extended since December of 2005. On December 22, 2000, PEPCo filed a petition for review with the Environmental Appeals Board (EAB) challenging certain provisions of that permit. The permittee's petition resulted in a stay of the contested provisions. EPA ordered the permittee to continue polychlorinated biphenyl (PCB) monitoring of storm water pursuant to Section 308 of the Clean Water Act (CWA). In the event that the additional storm water testing determined that actionable concentrations of PCBs are present in the storm water discharges, the permit contained a reopener provision whereby the permit could be modified, revoked and reissued. During the life of the permit, the reopener has not been invoked.

In May of 2001, as a result of discussions between the parties, EPA withdrew the PCB discharge limitations in effect at the storm water outfalls, and the TSS limitation at outfall 013A. On the same date, EPA lifted the stay of the remaining terms of the November 17, 2000 final permit. Also on May 15, 2001, EPA and PEPCo filed a joint motion to dismiss PEPCo's petition for review, which was granted by the EAB on May 29, 2001.

In accordance with the Endangered Species Act (ESA), when EPA is the permitting authority, it must consult with federal agencies having jurisdiction over threatened or endangered species which may be affected by permit conditions. EPA has determined that the reissued permit is protective and will have no significant impact on endangered or threatened species as none reside within the action area. EPA has asked the United States Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) to concur with this determination and the NMFS has done so.

EPA also requested from the District of Columbia Department of the Environment (DDOE), certification under section 401 of the CWA that the conditions in the permit will not violate state water quality standards. On April 7, 2009, DDOE provided certification with the condition that certain provisions be added to the permit. By letter dated June 10, 2009, DDOE sent EPA a modification to the certification which removed monitoring requirements for certain outfalls and a dye test.

Similarly, EPA requested certification under Clean Water Act (CWA) Sections 401 and 402 that the discharge will not cause an incursion of the water quality standards of the downstream states of Maryland and Virginia. EPA received such certification from the State of Maryland, but the Commonwealth of Virginia did not reply.

As noted above, during the public comment period, EPA received comments from four entities which included the following: PEPCo, District of Columbia Department of the Environment, the State of Maryland and the NMFS. The following is a summary of the comments that EPA received during the public comment period and EPA's responses thereto.

II. Comments and Responses

- A. Comments received from the permittee: The following comments were received by letter dated March 16, 2009, from Denise Campbell, Manager, Environmental Management Services, PEPCo.

1. Part I Effluent Limitations and Monitoring.

a. **Comments relating to internal monitoring point 003.**

i. **Comments relating to the Oil and Grease Effluent limitation.** Part I.A substitutes the current technology-based effluent limit ("TBEL") for oil and grease at internal monitoring point 003 (oil/water separator) for a new, more stringent water quality-based effluent limit ("WQBEL") of 10 mg/l average monthly and 15 mg/l maximum daily values. EPA should conduct a reasonable potential analysis to determine whether or not this discharge has the potential to cause an exceedance of the District's water quality standard for oil and grease. Further, since 003 is an internal waste stream EPA is required to set forth any exceptional circumstances which make this limitation necessary. The permittee believes that since there is no TMDL allocation for oil and grease for the Upper Anacostia, and the DC water quality standards allow for a mixing zone, there is little likelihood that there would be an exceedance of the water quality standard. The permittee requests that the new limit be deleted and the old limit remain in effect.

Response: EPA has considered the analysis submitted by the permittee. EPA agrees that given the low concentrations of oil and grease discharged at internal outfall 003 it is not likely that this discharge would result in an exceedance of the

District's water quality standard. Outfall 003 is an internal monitoring point which connects with a large pipe which transects the PEPCo property and ultimately discharges to the Anacostia at outfall 013. Accordingly, EPA agrees to retain the current technology-based effluent limit at outfall 003 of 15 mg/l average monthly and 20 mg/l maximum daily limits for oil and grease.

ii. Comments relating to Footnote 1. Footnote 1 contains a cross reference to Special Condition Part VII.D, which pertains to the maintenance of storm water BMPs in the Facility's SWPPP in connection with storm water discharges. This footnote should be deleted because Part I.A pertains to effluent discharges from the Facility's internal monitoring point 003, not storm water discharges.

Response: EPA agrees with this comment and has removed Footnote 1 from Part I.A. Discharges from outfall 003 shall be regulated at the internal monitoring point.

iii. Comments relating to the discharge of outfall 003 to the Anacostia River through outfall 013. The permittee believes that EPA should clarify in the fact sheet that discharges from internal monitoring point 003 ultimately discharge to the Anacostia River through outfall 013 and such authorization to discharge is covered under the authorization in Part I.A.

Response: As explained at the response to i above, EPA understands that the discharges from internal monitoring point 003 ultimately discharge to the Anacostia River through outfall 013.

b. Comments relating to Storm Water Discharges from Outfall 013.

i. Permittee objects to the new numeric limits for copper, lead, zinc, cadmium and iron for the facility's storm water discharges. The permittee states that these limits should be expressed as "benchmark thresholds" rather than limits because compliance is intended to be accomplished using best management practices (BMPs) in accordance with EPA guidance and policy.

Response: As explained in the fact sheet, this permit establishes new numeric limits for the TMDL listed metals copper, lead and zinc. New numeric limits have also been added for non-TMDL (water quality based) metals cadmium and nickel. These limits are based on actual concentrations reported in the permittees Daily Monitoring Reports (DMRs) which show a potential to exceed water quality standards. EPA's reasonable potential analysis is provided at section 11.A.3.c of the fact sheet and document 27 of the Administrative Record. EPA believes that numeric limits, and not benchmark thresholds, would be most appropriate for these pollutants that have already been found to be present in concentrations with the potential to exceed established DC WQS. EPA's storm water permitting policies recognize that where adequate information exists to develop more specific limitations, storm water permits may include appropriately derived numeric water quality-based effluent limitations, in addition to BMPs.

Although "benchmark" is not defined in EPA's Storm water Multi-Sector General Permit, it is generally accepted to be a concentration that potentially could impair or contribute to the impairment of a waterbody. Benchmarks are values based upon a number of existing standards or existing sources to determine whether or not additional monitoring is required. They are not based upon the specific conditions found at a facility and they are not the same as effluent limits. The effluent limits contained in this permit for these metals are based upon site specific conditions and corresponding District of Columbia TMDLs.

- ii. Footnote 7 states that Whole Effluent Toxicity (WET) testing shall be performed which is counter to EPA's conclusion that based on past WET results during blow-down and non-blow down events, there is no toxicity and therefore no additional WET testing will be required.

Response: The permittee is correct that past WET testing during blow-down and non-blow-down conditions have demonstrated that no toxicity was measured by those tests. However, due to the variability and concentrations of pollutants in storm water, this permit is retaining the requirement for limited WET testing of a single storm water discharge for each storm water outfall (013 and 101) during the life of this permit.

c. **Comments relating to Storm Water Discharges from Outfall 101**

- i. Part I.C is a new requirement for storm water monitoring at outfall 101. The discharge authorization period for this outfall would not begin until "the period beginning 2 years after the effective date" of the permit. This language should be modified to begin on the effective date of the permit as it would not be practicable to discontinue use of the outfall for two years.

Response: Permittee is correct that Part I.C is a new requirement for storm water monitoring at outfall 101. In prior communications, including an email dated January 29, 2009, the permittee has advised EPA of various difficulties of safely obtaining a representative sample of the discharge from outfall 101. In its January 2009 email the permittee suggested writing into the permit a plan and schedule for building a suitable monitoring point at manhole K, which EPA adopted as the permit condition. EPA has added language allowing use of the outfall during the pendency of the monitoring point modification. EPA has also added a requirement that the permittee must use best efforts to obtain a representative sample until such time that the monitoring station is operable.

- ii. WET testing should be discontinued for the same reasons as noted at b.1.ii above.

Response: Because this is a new discharge, for which there is no known monitoring data, EPA believes that limited WET testing of a single storm water event is appropriate.

- iii. Footnote 8 cross references Special Condition Part IV.1 regarding Manhole K. This should be corrected to be Special Condition Part VII.I.

Response: EPA has made this correction, the reference is Part VII.H.

d. **Comments relating to Cooling Tower Blowdown from Outfalls 202 and 203.**

- i. Footnote 2 should be clarified to be consistent with EPA's position that the permittee is authorized to use bromine as a biocide and will request EPA approval if it wishes to use a different biocide.

Response: Beginning with the 2000 permit issuance, EPA has authorized the use of bromine as a biocide. The permittee's requested language has been added to the permit and fact sheet.

- ii. Footnote 5 should be clarified to incorporate the fact that there is a zinc TMDL and that if zinc is detected at outfall 013, the permittee is only required to add or revise BMPs at internal monitoring points 202 and 203 to control the zinc discharge.

Response: A new footnote 6 has been added to clarify that BMPs are intended to be placed at internal monitoring points or other internal positions as close to the suspected source of the discharge. Similar language has also been added to Part VII.D of the permit and section 6.B.13 of the fact sheet. However, all sources of zinc must be addressed, including but not limited to, internal monitoring points 202 and 203.

- iii. Below footnote 5 is a reference to Special Condition VII.E regarding temperature monitoring. The correct cross reference should be Special Condition Part VII.H. See also the permittee's comments relating to temperature monitoring following.

Response: EPA has made the change; the correct citation for temperature monitoring is Part VII.G.

- iv. Permittee recommends that the fact sheet clarify that while Part I.D authorizes discharges from internal monitoring points 202 and 203, these monitoring points ultimately discharge to the Anacostia River through outfall 013 and that these discharges are authorized in Part 1.D.

Response: EPA has made this clarification to the fact sheet.

e. **Comments relating to Cooling Tower Basin Washwater from Outfalls 202 and 203.**

- i. Permittee recommends that EPA clarify in the fact sheet that while Part I.E authorizes discharges from internal monitoring points 202 and 203, these internal monitoring points discharge to the Anacostia River through outfall 013, and that this is authorized under Part I.D.

Response: This clarification has been made several times in this permit and fact sheet.

f. **Comments relating to Oil Water Separator from Internal Monitoring Point 201.**

- i. Permittee recommends clarification in the fact sheet that while Part I.F authorizes discharges from internal monitoring point 201, this monitoring point discharges through outfall 013 to the Anacostia River, and that authorization for that discharge is contemplated under the authorization in Part I.D.

Response: EPA understands that internal monitoring point 201 discharges to the main pipe that ultimately discharges to the Anacostia River through outfall 013. The authorization for this discharge is at Part I.F, not Part I.D.

g. **Comments relating to Hydrostatic Tank Water from Internal Monitoring Point 201.**

- i. Permittee recommends that EPA clarify in the fact sheet that while Part I.G authorizes discharges from internal monitoring point 201, this internal monitoring point discharges to the Anacostia River through outfall 013, and that authorization for this discharge is contained under the authorization in Part 1.D.

Response: See response to i. above. Part I.G is the correct citation for discharges from the hydrostatic test tank and 201 is the correct monitoring and discharge point.